

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**July 25, 2001**

**DIVISION ONE**

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and C. Hon, Deputy Clerk.

Each of the following:

B145381 D.C.F.S. v. Brenda L.  
B146589 D.C.F.S. v. Arlene S.  
B147645 D.C.F.S. v. Elizabeth R.

Argument waived, cause submitted.

B137788     Athans et al.  
B139856     v.  
B140971     Simke, Chodos, Silberfeld & Anteau, Inc., et al.

Merits:

Argued by Robert S. Gerstein for appellants and by Gary S. Soter for respondents. In open court, counsel for appellants request permission to file letter brief. The request is denied. Cause submitted.

B144866     Abate et al.  
                 v.  
                 Okimoto et al.

Merits:

Argued by Michael Harris for respondents. Appellants waived oral argument. Cause submitted.

Ortega, J. leaves the bench.

DIVISION ONE (Continued)

B143601      Account Management Associates  
                 v.  
                 Sanglimsuwan

Merits:

Argued by Claudia Bohorquez for appellant and by Steven P. Byrne for respondent. Cause submitted.

Ortega, J. returns to the bench.

Mallano, J. leaves the bench.

B139099      Cheathem  
                 v.  
                 City of Compton

Merits:

Argued by Norman Pine for appellant and by Irma Rodriguez Moisa for respondent. Cause submitted.

Mallano, J. returns to the bench.

B143128      Handjani  
                 v.  
                 Committee of Bar Examiners of The State of California et al.

Merits:

Argued by Colin P. Wong for respondents. No appearance for appellant. Cause submitted.

B131068      Neuwirth  
B133371      v.  
                 Deloitte & Touche

Merits:

Argued by Vicki M. Roberts for appellant and by Robert A. Meyer for respondent. Cause submitted.

DIVISION ONE (Continued)

Vogel (Miriam A.), J. leaves the bench.

B147915     Martinez  
              v.  
              Workers Compensation Appeals Board  
              County of Los Angeles, Respondent

Merits:

Argued by Esther Oz for petitioner and by Bruce Hale, principal deputy county counsel, for respondent. Cause submitted.

Vogel (Miriam A.), J. returns to the bench.

Ortega, J. leaves the bench.

B143539     The Committee To Save The Beverly Highlands Homes Association et al.  
              v.  
              The Beverly Highlands Homes Association et al.

Merits:

Argued by Corin L. Kahn for respondents and by Allan E. Wilion for appellants. Cause submitted.

Ortega, J. returns to the bench.

Spencer, P.J. leaves the bench.

B140740     Fournier et al.  
              v.  
              Golden Eagle Insurance Company et al.

Merits:

Argued by Dennis M. Elber for appellants and by Timothy A. Gonzales for respondent Golden Eagle Insurance Company. Cause submitted.

Spencer, P.J. returns to bench.

Ortega, J. leaves the bench.

DIVISION ONE (Continued)

B144700      Choi  
                 v.  
                 Jang et al.

Merits:  
Argued by Mary Lee for appellants and by Ronald T. Golan for respondent.  
Cause submitted.

Court adjourned at 11:38 A.M.

B139312      Fred E. Schweisinger      (Not for Publication)  
                 v.  
                 Craig Schweisinger

The order of December 13, 1999, is modified by reducing the amount due thereunder to \$49,801.18; as modified, the order is affirmed, and the cause is remanded to the probate court with directions to enter a corrected order (and to make such other additional orders as may be necessary). The estate is entitled to its costs of appeal.

Vogel (Miriam A.), J.

We concur:    Spencer, P.J.  
                 Ortega, J.

B134811      People  
                 v.  
                 Sermeno

Filed order denying appellant's & respondent's petition for rehearing.

## DIVISION ONE (Continued)

[illegible]

The judgment is affirmed, and the cause is remanded to the trial court with directions to issue a corrected abstract of judgment to reflect that the prior prison term enhancement arising out of Case Number MA016214 was stricken, not stayed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

B146446      Los Angeles County, D.C.F.S.  
v.  
Sharon S.

Filed order denying petition for rehearing.

DIVISION TWO

B140322      People  
v.  
Brayboy, Jr.

Filed order denying petition for rehearing.

B143887 People (Not for Publication)  
v.  
Fields

The judgment is affirmed.

Cooper, J.

We concur:   Boren, P.J.  
                      Todd, J.

DIVISION TWO (Continued)

B141926      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Robert W.

The order of the court denying appellant's request to set *In re Cherry W.* for a contested hearing is affirmed.

Cooper, J.

We concur:    Nott, Acting P.J.  
                     Todd, J.

B134257      Alpha Therapeutic Corporation et al.      (Certified for Partial Publication)  
v.  
The Home Insurance Company et al.

The judgments in favor of The Home Insurance Company, Transcontinental Insurance Company, London Guarantee and Accident Company of New York, Harbor Insurance Company, Transport Indemnity Insurance Company, Associated International Insurance Company, and Topa Insurance Company are reversed, and the matter remanded to the trial court for further proceedings consistent with this opinion. Appellant to recover costs on appeal.

Todd, J.

We concur:    Boren, P.J.  
                     Cooper, J.

## DIVISION FOUR

B149416 Yang (Not for Publication)

V.

Superior Court, Los Angeles County  
(Fund Management International, r.p.i.)

The petition is granted. Let a peremptory writ of mandate issue directing respondent court to vacate its order denying petitioners' motion to expunge the lis pendens and to issue a new and different order granting the motion and expunging the lis pendens. The order to show cause and the alternative writ are discharged. Petitioners are awarded costs.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

DIVISION FIVE

B145217 Los Angeles County, D.C.F.S. (Not for Publication)

V.

In re Mark T.

The judgment is affirmed.

Turner, P.J.

We concur:    Armstrong, J.  
                      Willhite, J. (Assigned)

DIVISION FIVE (Continued)

B143576      Scott Linsley                      (Not for Publication)  
                 v.  
                 Twentieth Century Fox Film Corporation et al.

The judgment is affirmed. The judgment under review is affirmed. Defendants, Twentieth Century Fox Film Corporation, John Suci, and Gloria Dickey, are to recover their costs and attorney fees on appeal from plaintiff, Scott Linsley. Any further attorney fee request must be made pursuant to rule 870.2 of the California Rules of Court.

Turner, P.J.

We concur:    Armstrong, J.  
                 Willhite, J. (Assigned)

B146898      Erik Ludwick                      (Not for Publication)  
                 v.  
                 Holly Marie Eschrich

The judgment is reversed. Each side is to bear its own costs and attorney fees on appeal.

Turner, P.J.

We concur:    Armstrong, J.  
                 Willhite, J. (Assigned)

B142920      People                              (Not for Publication)  
                 v.  
                 Jose Alberto Navar

The judgment is affirmed.

Turner, P.J.

We concur:    Grignon, J.  
                 Armstrong, J.



July 25, 2001-Continued

## DIVISION FIVE (Continued)

B145941      People                                  (Not for Publication)  
v.  
Barry Henderson

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.

B144835      People      (Not for Publication)  
v.  
Peter Osaruyi Ogida

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.

B150016      Mark Udem      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Markus Prajogi et al., r.p.i.)

Petition denied by opinion. Defendants shall recover their costs incurred on this petition from plaintiffs.

Turner, P.J.

We concur:   Armstrong, J.  
                    Willhite, J. (Assigned)

July 25, 2001-Continued

DIVISION SIX

B143800      People                                  (Certified for Publication)  
v.  
Hardacre

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.

B146146 People (Not for Publication)  
v.  
Chavez

The trial court shall amend the abstract of judgment to reflect the appropriate state and county penalty assessment amounts and forward the amended abstract of judgment to the Department of Corrections. The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Perren, J.

B148016      Ventura County Human Services Agency      (Not for Publication)  
v.  
Miriam F.

The judgment (order) is affirmed.

Gilbert, P.J.

We concur: Coffee, J.  
Perren, J.

July 25, 2001-Continued

## DIVISION SIX (Continued)

[illegible]

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Coffee, J.

B148111 People (Not for Publication)  
v.  
Chester

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.  
Perren, J.

B140773 People (Not for Publication)  
v.  
Calderon et al.

The judgments are affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Perren, J.

July 25, 2001-Continued

## DIVISION SIX (Continued)

B146591 People (Not for Publication)  
v.  
Smith

The judgment (order of commitment) is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.

B142261 People (Not for Publication)  
v.  
Linn

The judgment is affirmed.

Yegan, J.

We concur:    Gilbert, P.J.  
                         Perren, J.

[illegible]

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION SIX (Continued)

B145085      Guidotti      (Certified for Publication)  
v.  
Bill Lockyer, Attorney General

The order is reversed and the matter remanded for further proceedings concerning reformation of the will and the charitable bequests. Appellant shall bear costs on appeal.

Gilbert, P.J.

We concur:   Yegan, J.  
                 Perren, J.

B146728      People      (Not for Publication)  
v.  
Rosas

The judgment is affirmed.

Perren, J.

We concur:   Gilbert, P.J.  
                 Coffee, J.

B145448      People      (Not for Publication)  
v.  
Liu

The judgment is modified to reflect 466 days of pre-sentence custody credits. The clerk of the superior court is ordered to prepare an amended abstract of judgment to reflect the custody credits and forward a copy to the Department of Corrections. In all other respects, the judgment is affirmed.

Coffee, J.

We concur:   Gilbert, P.J.  
                 Perren, J.

July 25, 2001-Continued

## DIVISION SIX (Continued)

B144319      Van Patter                      (Not for Publication)  
v.  
County of Santa Barbara

The judgment is affirmed. Costs are awarded to respondent.

Coffee, J.

We concur: Gilbert, P.J.  
Yegan, J.

B144038 McIntyre (Not for Publication)  
v.  
Santa Barbara County Employees' Retirement System, etc.

The judgment is affirmed. Costs to respondent.

Yegan, J.

We concur: Gilbert, P.J.  
Perren, J.

## DIVISION SEVEN

B142728      Gurse, Schneider & Company et al.      (Certified for Publication)  
v.  
Wasser, Rosenson & Carter et al.

The judgment of the trial court is reversed and the cause is remanded for further proceedings consistent with this opinion. Appellant is entitled to recover its costs on appeal.

Johnson, Acting P.J.

I concur: Boland, J. (Assigned)  
I dissent: Woods, J. (Opinion)